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10 *Interim Lead Counsel for the Direct Purchaser
11 Plaintiffs*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

14 IN RE: CATHODE RAY TUBE (CRT)
15 ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

16 This Document Relates to:

**PLAINTIFF PRINCETON DISPLAY
TECHNOLOGY, INC.'S RESPONSES TO
DEFENDANT HITACHI AMERICA,
LTD.'S FIRST SET OF
INTERROGATORIES**

17
18 PROPOUNDING PARTY: HITACHI AMERICA, LTD.

19 RESPONDING PARTY: PLAINTIFF PRINCETON DISPLAY TECHNOLOGY, INC.

20 SET NO.: ONE

21 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Princeton
22 Technology, Inc. ("Plaintiff"), by its attorneys, objects and responds to Defendant Hitachi
23 America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the
24 "Interrogatories") as follows:

25 **GENERAL OBJECTIONS**

26 Each of the following objections is incorporated by reference into each of the responses
27 herein:

28 1. Plaintiff and its counsel have not completed their (1) investigation of the facts

1 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
 2 responses are therefore based upon information known at this time and are provided without
 3 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
 4 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
 5 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
 6 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
 7 inadvertent errors or omissions have been made.

8 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
 9 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
 10 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
 11 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
 12 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
 13 Procedure.

14 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
 15 the extent the information sought is protected by the attorney-client privilege, the attorney work
 16 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
 17 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
 18 privilege, attorney work-product or any other privilege, immunity or other protection that may be
 19 asserted to protect any information from disclosure. Accordingly, any response or production of
 20 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
 21 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

22 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
 23 particularity the information and categories of information to be provided.

24 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
 25 documents outside its possession, custody, or control.

26 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
 27 unduly burdensome.

28 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,

1 redundant, harassing or oppressive.

2 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
3 legal conclusions.

4 9. Plaintiff objects to the Interrogatories to the extent the information requested is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
7 them, seek production of any information within the possession, custody, or control of any
8 Defendant, or of publicly available information such that the information is obtainable from some
9 other source that is more convenient, less burdensome or less expensive, or the production of the
10 information will impose undue burden, inconvenience, or expense upon Plaintiff.

11 11. Plaintiff objects to each and every interrogatory and also to the instructions
12 accompanying them, to the extent they seek to require Plaintiff to produce all information that
13 supports or otherwise relates to specific contentions in this litigation, on the ground that such
14 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

15 12. Plaintiff objects to the Interrogatories to the extent that they seek information
16 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
17 such downstream data, because such information is not relevant to the claim or defense of any
18 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
19 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
20 information other than that related to direct purchases of CRT Products from the named
21 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
22 *Illinois*, 431 U.S. 720 (1977).

23 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
24 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
25 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
26 response should be construed to foreclose any such disclosure.

27 14. Plaintiff reserves the right to modify their allegations based on additional
28 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert

1 discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light
 2 of further evidence and further analysis of present and subsequently acquired evidence.

3 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff
 4 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,
 5 including evidence that Plaintiff expects to further develop through the course of discovery and
 6 expert analysis.

7 16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to
 8 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
 9 proceeding in, or trial of, this or any other action for any purpose whatsoever.

10 17. No incidental or implied admissions are intended in these responses. Plaintiff's
 11 response to all or any part of any Interrogatory should not be taken as an admission that: (a)
 12 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or
 13 (b) Plaintiff has in its possession, custody or control documents or information responsive to that
 14 interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's
 15 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver
 16 by Plaintiff of all or any part of its objection(s) to that interrogatory.

17 18. Plaintiff objects to the interrogatories to the extent they are duplicative of
 18 interrogatories served by other defendants in this litigation. To the extent these interrogatories
 19 seek answers that are duplicative to those requested by other interrogatories that have already been
 20 propounded on the direct purchaser class, or served at the same time as these interrogatories, the
 21 direct purchaser plaintiffs will only answer them once.

22 19. Plaintiff objects to these interrogatories to the extent that the cumulative requests
 23 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

24 **RESPONSES**

25 **INTERROGATORY NO. I:**

26 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR
 27 responses to these interrogatories.

28

1 RESPONSE TO INTERROGATORY NO. 1:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
 3 and without waiving, the foregoing objections, Plaintiff responds as follows:

4 Suprasad Baidyaroy, Princeton's president, assisted in the preparation of these responses.

5 INTERROGATORY NO. 2:

6 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
 7 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
 8 IDENTITY of each PERSON involved in the sale and the time period and nature of each
 9 PERSON's involvement.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 11 YOUR response.

12 RESPONSE TO INTERROGATORY NO. 2:

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 15 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 16 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 17 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 18 respond to this interrogatory because it impermissibly calls for downstream information
 19 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
 20 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 21 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 22 2005).

23 INTERROGATORY NO. 3:

24 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
 25 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
 26 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
 27 time period and nature of each PERSON's involvement.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 5 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 6 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 7 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 8 respond to this interrogatory because it impermissibly calls for downstream information
 9 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 10 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 11 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 12 2005).

13 **INTERROGATORY NO. 4:**

14 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
 15 were a part of the sale, including without limitation all terms and conditions RELATING TO
 16 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
 17 with the sale.

18 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 19 YOUR response.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 22 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 23 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 24 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 25 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 26 respond to this interrogatory because it impermissibly calls for downstream information
 27 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 28 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.

1 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 2 2005).

3 **INTERROGATORY NO. 5:**

4 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
 5 conditions that were a part of the sale, including without limitation all terms and conditions
 6 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
 7 PERSON in connection with the sale.

8 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 9 YOUR response.

10 **RESPONSE TO INTERROGATORY NO. 5:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 12 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 13 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 14 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 15 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 16 respond to this interrogatory because it impermissibly calls for downstream information
 17 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 18 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 19 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 20 2005).

21 **INTERROGATORY NO. 6:**

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 23 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
 25 or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 27 YOUR response.

28

1 RESPONSE TO INTERROGATORY NO. 6:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
 9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
 11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
 12 this interrogatory to the extent it calls for disclosure of information that is protected by the
 13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
 15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
 16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
 17 34 and the applicable Local Rules of the United States District Court for the Northern District of
 18 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRTs from
 19 the defendants may be derived from their production of documents.

20 INTERROGATORY NO. 7:

21 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 22 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 23 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
 24 YOU acquired or sold.

25 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 26 YOUR response.

27 RESPONSE TO INTERROGATORY NO. 7:

28 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff

1 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 2 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 3 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 4 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 5 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 6 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
 7 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 8 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
 9 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
 10 this interrogatory to the extent it calls for disclosure of information that is protected by the
 11 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 12 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
 13 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
 14 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
 15 34 and the applicable Local Rules of the United States District Court for the Northern District of
 16 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT
 17 Products from the defendants may be derived from their production of documents.

18 **INTERROGATORY NO. 8:**

19 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 20 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT
 21 PERIOD.

22 **RESPONSE TO INTERROGATORY NO. 8:**

23 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 24 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 25 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 26 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 27 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 28 because it calls for downstream information concerning sales of CRTs by Plaintiff and such

1 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 2 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 3 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 4 the ground that it is duplicative of other interrogatories served in this action.

5 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 6 to their acquisition of CRTs from defendants as follows:

7 Suprasad Baidyaroy, Princeton's president, is the person knowledgeable as to Princeton's
 8 negotiations relating to Princeton's acquisitions of CRTs.

9 **INTERROGATORY NO. 9:**

10 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 11 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the
 12 RELEVANT PERIOD.

13 **RESPONSE TO INTERROGATORY NO. 9:**

14 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 15 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 16 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 17 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 18 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 19 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 20 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 21 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 22 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 23 the ground that it is duplicative of other interrogatories served in this action.

24 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 25 to their acquisition of CRTs from defendants as follows:

26 Suprasad Baidyaroy, Princeton's president, is the person knowledgeable as to Princeton's
 27 negotiations relating to Princeton's acquisitions of CRTs.

28

1 **INTERROGATORY NO. 10:**

2 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
 3 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
 4 knowledge of those specifications.

5 **RESPONSE TO INTERROGATORY NO. 10:**

6 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 7 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 8 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 9 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 10 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 11 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
 12 without waiving, the foregoing objections, Plaintiff responds as follows:

13 Suprasad Baidyaroy, Princeton's president, is the person knowledgeable as to product
 14 specifications. All product specifications for CRTs were manufacturer specifications.

15 **INTERROGATORY NO. 11:**

16 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
 17 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
 18 with knowledge of those specifications.

19 **RESPONSE TO INTERROGATORY NO. 11:**

20 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 21 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 22 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 23 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 24 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 25 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
 26 without waiving, the foregoing objections, Plaintiff responds as follows:

27 Suprasad Baidyaroy, Princeton's president, is the person knowledgeable as to product
 28 specifications. All product specifications for CRTs were manufacturer specifications.

1 **INTERROGATORY NO. 12:**

2 Separately, with respect to each CRT that YOU acquired during the RELEVANT
 3 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
 4 the allegations in the Complaint.

5 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 6 YOUR response.

7 **RESPONSE TO INTERROGATORY NO. 12:**

8 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 9 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 10 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 11 authority for the view that the wisest general policy is to defer propounding and answering
 12 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
 13 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 14 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 15 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
 16 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 17 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 18 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 19 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 20 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 21 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 22 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 23 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 24 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 25 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 26 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 27 Rules of the United States District Court for the Northern District of California.

28

1 **INTERROGATORY NO. 13:**

2 Separately, with respect to each CRT PRODUCT that YOU acquired during the
 3 RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were
 4 overcharged as a result of the allegations in the Complaint.

5 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 6 YOUR response.

7 **RESPONSE TO INTERROGATORY NO. 13:**

8 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 9 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 10 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 11 authority for the view that the wisest general policy is to defer propounding and answering
 12 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
 13 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 14 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 15 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
 16 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 17 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 18 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 19 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 20 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 21 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 22 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 23 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 24 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 25 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 26 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 27 Rules of the United States District Court for the Northern District of California.

28

1 DATED: July 12, 2010

2 By: /s/ Guido Saveri
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*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

Crt.271a-9

VERIFICATION

Suprasad Baidyanay
I, Suprasad Baidyanay, of Princeton Display Technology Inc., do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Princeton Display Technology Inc.'s Responses to Defendant Hitachi America, Ltd.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 12, 2010.

Suprasad Baidyanay
Signature

1 Guido Saveri (22349) guido@saveri.com
2 R. Alexander Saveri (173102) rick@saveri.com
3 Geoffrey C. Rushing (126910) grushing@saveri.com
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10 *Interim Lead Counsel for the Direct Purchaser
11 Plaintiffs*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

14 IN RE: CATHODE RAY TUBE (CRT)
15 ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

16 This Document Relates to:

**PLAINTIFF RADIO & TV EQUIPMENT,
17 INC.'S RESPONSES TO DEFENDANT
18 HITACHI AMERICA, LTD.'S FIRST SET
19 OF INTERROGATORIES**

ALL DIRECT PURCHASER ACTIONS

20 PROPOUNDING PARTY: HITACHI AMERICA, LTD.

21 RESPONDING PARTY: PLAINTIFF RADIO & TV EQUIPMENT, INC.

22 SET NO.: ONE

23 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Radio & TV
24 Equipment, Inc. ("Plaintiff"), by its attorneys, objects and responds to Defendant Hitachi America,
25 Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the "Interrogatories") as
26 follows:

27 **GENERAL OBJECTIONS**

28 Each of the following objections is incorporated by reference into each of the responses
herein:

1 Plaintiff and its counsel have not completed their (1) investigation of the facts
 2 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
 3 responses are therefore based upon information known at this time and are provided without
 4 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
 5 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
 6 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
 7 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
 8 inadvertent errors or omissions have been made.

9 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
 10 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
 11 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
 12 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
 13 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
 14 Procedure.

15 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
 16 the extent the information sought is protected by the attorney-client privilege, the attorney work
 17 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
 18 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
 19 privilege, attorney work-product or any other privilege, immunity or other protection that may be
 20 asserted to protect any information from disclosure. Accordingly, any response or production of
 21 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
 22 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

23 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
 24 particularity the information and categories of information to be provided.

25 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
 26 documents outside its possession, custody, or control.

27 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
 28 unduly burdensome.

1 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,
 2 redundant, harassing or oppressive.

3 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
 4 legal conclusions.

5 9. Plaintiff objects to the Interrogatories to the extent the information requested is
 6 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
 8 them, seek production of any information within the possession, custody, or control of any
 9 Defendant, or of publicly available information such that the information is obtainable from some
 10 other source that is more convenient, less burdensome or less expensive, or the production of the
 11 information will impose undue burden, inconvenience, or expense upon Plaintiff.

12 11. Plaintiff objects to each and every interrogatory and also to the instructions
 13 accompanying them, to the extent they seek to require Plaintiff to produce all information that
 14 supports or otherwise relates to specific contentions in this litigation, on the ground that such
 15 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

16 12. Plaintiff objects to the Interrogatories to the extent that they seek information
 17 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
 18 such downstream data, because such information is not relevant to the claim or defense of any
 19 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
 20 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
 21 information other than that related to direct purchases of CRT Products from the named
 22 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
 23 *Illinois*, 431 U.S. 720 (1977).

24 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
 25 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
 26 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
 27 response should be construed to foreclose any such disclosure.

28 14. Plaintiff reserves the right to modify their allegations based on additional

1 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert
 2 discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light
 3 of further evidence and further analysis of present and subsequently acquired evidence.

4 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff
 5 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,
 6 including evidence that Plaintiff expects to further develop through the course of discovery and
 7 expert analysis.

8 16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to
 9 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
 10 proceeding in, or trial of, this or any other action for any purpose whatsoever.

11 17. No incidental or implied admissions are intended in these responses. Plaintiff's
 12 response to all or any part of any Interrogatory should not be taken as an admission that: (a)
 13 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or
 14 (b) Plaintiff has in its possession, custody or control documents or information responsive to that
 15 interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's
 16 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver
 17 by Plaintiff of all or any part of its objection(s) to that interrogatory.

18 18. Plaintiff objects to the interrogatories to the extent they are duplicative of
 19 interrogatories served by other defendants in this litigation. To the extent these interrogatories
 20 seek answers that are duplicative to those requested by other interrogatories that have already been
 21 propounded on the direct purchaser class, or served at the same time as these interrogatories, the
 22 direct purchaser plaintiffs will only answer them once.

23 19. Plaintiff objects to these interrogatories to the extent that the cumulative requests
 24 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

25

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28

1 **RESPONSES**

2 **INTERROGATORY NO. I:**

3 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR
4 responses to these interrogatories.

5 **RESPONSE TO INTERROGATORY NO. 1:**

6 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
7 and without waiving, the foregoing objections, Plaintiff responds as follows:

8 Bruce Holtan, President of Radio & TV Equipment, Inc.
615 North Shore Drive
9 Detroit Lakes, Minnesota
56501

10 **INTERROGATORY NO. 2:**

11 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
12 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
13 IDENTITY of each PERSON involved in the sale and the time period and nature of each
14 PERSON's involvement.

15 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
16 YOUR response.

17 **RESPONSE TO INTERROGATORY NO. 2:**

18 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
19 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
20 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
21 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
22 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
23 respond to this interrogatory because it impermissibly calls for downstream information
24 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
25 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
26 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
27 2005).

1 **INTERROGATORY NO. 3:**

2 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
3 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
4 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
5 time period and nature of each PERSON's involvement.

6 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
7 YOUR response.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
10 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
11 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
12 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
13 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
14 respond to this interrogatory because it impermissibly calls for downstream information
15 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
16 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
17 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
18 2005).

19 **INTERROGATORY NO. 4:**

20 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
21 were a part of the sale, including without limitation all terms and conditions RELATING TO
22 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
23 with the sale.

24 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
25 YOUR response.

26 **RESPONSE TO INTERROGATORY NO. 4:**

27 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
28 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly

1 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 2 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 3 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 4 respond to this interrogatory because it impermissibly calls for downstream information
 5 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 6 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 7 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 8 2005).

9 **INTERROGATORY NO. 5:**

10 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
 11 conditions that were a part of the sale, including without limitation all terms and conditions
 12 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
 13 PERSON in connection with the sale.

14 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 15 YOUR response.

16 **RESPONSE TO INTERROGATORY NO. 5:**

17 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 18 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 19 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 20 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 21 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 22 respond to this interrogatory because it impermissibly calls for downstream information
 23 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 24 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 25 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 26 2005).

27 **INTERROGATORY NO. 6:**

28 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,

1 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 2 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
 3 or sold.

4 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 5 YOUR response.

6 **RESPONSE TO INTERROGATORY NO. 6:**

7 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 8 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 9 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 10 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 11 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 12 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 13 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
 14 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 15 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
 16 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
 17 this interrogatory to the extent it calls for disclosure of information that is protected by the
 18 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 19 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
 20 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
 21 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
 22 34 and the applicable Local Rules of the United States District Court for the Northern District of
 23 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRTs from
 24 the defendants may be derived from their production of documents.

25 **INTERROGATORY NO. 7:**

26 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 27 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 28 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS

1 YOU acquired or sold.

2 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
3 YOUR response.

4 **RESPONSE TO INTERROGATORY NO. 7:**

5 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
6 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
7 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
8 information entirely irrelevant to the issues raised and damages claimed in this case and is not
9 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
10 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
11 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
12 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
13 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
14 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
15 this interrogatory to the extent it calls for disclosure of information that is protected by the
16 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
17 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
18 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
19 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
20 34 and the applicable Local Rules of the United States District Court for the Northern District of
21 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT
22 Products from the defendants may be derived from their production of documents.

23 **INTERROGATORY NO. 8:**

24 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
25 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT
26 PERIOD.

27 **RESPONSE TO INTERROGATORY NO. 8:**

28 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff

1 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 2 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 3 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 4 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 5 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 6 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 7 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 8 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 9 the ground that it is duplicative of other interrogatories served in this action.

10 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 11 to their acquisition of CRT Products from defendants as follows: Radio & TV Equipment, Inc.
 12 did not purchase any CRTs during the RELEVANT PERIOD. It only purchased CRT
 13 PRODUCTS.

14 **INTERROGATORY NO. 9:**

15 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 16 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the
 17 RELEVANT PERIOD.

18 **RESPONSE TO INTERROGATORY NO. 9:**

19 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 20 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 21 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 22 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 23 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 24 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 25 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 26 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 27 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 28 the ground that it is duplicative of other interrogatories served in this action.

1 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
2 to their acquisition of CRT Products from defendants as follows:

3 Bruce Holtan, President of Radio & TV Equipment, Inc.
4 615 North Shore Drive
5 Detroit Lakes, MN 56501

6 Randy Balzum, Former Sales Manager of Radio & TV Equipment, Inc.
7 495 32nd Street North
8 Moorhead, MN 56560

9
10 **INTERROGATORY NO. 10:**

11 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
12 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
13 knowledge of those specifications.

14
15 **RESPONSE TO INTERROGATORY NO. 10:**

16 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
17 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
18 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
19 information entirely irrelevant to the issues raised and damages claimed in this case and is not
20 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
21 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
22 without waiving, the foregoing objections, Plaintiff responds as follows: Radio & TV Equipment,
23 Inc. did not purchase any CRTs during the RELEVANT PERIOD. It only purchased CRT
24 PRODUCTS.

25 In addition, the answer to this interrogatory may be derived from Plaintiff's production of
26 documents.

27
28 **INTERROGATORY NO. 11:**

29 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
30 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
31 with knowledge of those specifications.

1 RESPONSE TO INTERROGATORY NO. 11:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 7 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
 8 without waiving, the foregoing objections, Plaintiff responds as follows: Radio & TV Equipment,
 9 Inc. neither provided any product specifications nor defined any specifications for any acquisition
 10 or potential acquisition of CRT PRODUCTS. Rather, Radio & TV Equipment, Inc. sold whatever
 11 products Hitachi made available to it.

12 In addition, the answer to this interrogatory may be derived from plaintiff's production of
 13 documents.

14 INTERROGATORY NO. 12:

15 Separately, with respect to each CRT that YOU acquired during the RELEVANT
 16 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
 17 the allegations in the Complaint.

18 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 19 YOUR response.

20 RESPONSE TO INTERROGATORY NO. 12:

21 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 22 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
23 Technologies Securities Litig., 108 F.R.D. 328 (N.D. Cal. 1985) ("[t]here is considerable recent
 24 authority for the view that the wisest general policy is to defer propounding and answering
 25 contention interrogatories until near the end of the discovery period."); *In re Ebay Seller Antitrust*
26 Litig., No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) ("Courts using their
 27 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 28 undertaken."). Discovery has just started, Defendants have not meaningfully responded to

1 Plaintiffs' discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 2 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 3 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 4 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 5 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 6 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 7 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 8 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 9 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 10 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 11 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 12 Rules of the United States District Court for the Northern District of California.

13 **INTERROGATORY NO. 13:**

14 Separately, with respect to each CRT PRODUCT that YOU acquired during the
 15 RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were
 16 overcharged as a result of the allegations in the Complaint.

17 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 18 YOUR response.

19 **RESPONSE TO INTERROGATORY NO. 13:**

20 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 21 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
22 Technologies Securities Litig., 108 F.R.D. 328 (N.D. Cal. 1985) ("[t]here is considerable recent
 23 authority for the view that the wisest general policy is to defer propounding and answering
 24 contention interrogatories until near the end of the discovery period."); *In re Ebay Seller Antitrust*
25 Litig., No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) ("Courts using their
 26 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 27 undertaken."). Discovery has just started, Defendants have not meaningfully responded to
 28 Plaintiffs' discovery, and Plaintiffs have not taken any depositions (and are not permitted to take

1 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 2 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 3 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 4 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 5 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 6 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 7 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 8 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 9 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 10 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 11 Rules of the United States District Court for the Northern District of California.

12

13 DATED: July 8, 2010

By: /s/ Guido Saveri
 SAVERI & SAVERI, INC.
 706 Sansome Street
 San Francisco, CA 94111
 Telephone: (415) 217-6810
 Facsimile: (415) 217-6813

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*Interim Lead Counsel for the Direct
 Purchaser Plaintiffs*

17 Crt.271a-10

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VERIFICATION

I, Bruce Holtan, am President of Radio & TV Equipment, Inc. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Radio & TV Equipment, Inc.'s Responses and Objections to Defendant Hitatchi America, LTD.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 8, 2010.

Bruce Holtan
Signature

1 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
 2 responses are therefore based upon information known at this time and are provided without
 3 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
 4 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
 5 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
 6 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
 7 inadvertent errors or omissions have been made.

8 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
 9 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
 10 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
 11 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
 12 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
 13 Procedure.

14 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
 15 the extent the information sought is protected by the attorney-client privilege, the attorney work
 16 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
 17 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
 18 privilege, attorney work-product or any other privilege, immunity or other protection that may be
 19 asserted to protect any information from disclosure. Accordingly, any response or production of
 20 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
 21 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

22 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
 23 particularity the information and categories of information to be provided.

24 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
 25 documents outside its possession, custody, or control.

26 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
 27 unduly burdensome.

28 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,

1 redundant, harassing or oppressive.

2 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
3 legal conclusions.

4 9. Plaintiff objects to the Interrogatories to the extent the information requested is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
7 them, seek production of any information within the possession, custody, or control of any
8 Defendant, or of publicly available information such that the information is obtainable from some
9 other source that is more convenient, less burdensome or less expensive, or the production of the
10 information will impose undue burden, inconvenience, or expense upon Plaintiff.

11 11. Plaintiff objects to each and every interrogatory and also to the instructions
12 accompanying them, to the extent they seek to require Plaintiff to produce all information that
13 supports or otherwise relates to specific contentions in this litigation, on the ground that such
14 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

15 12. Plaintiff objects to the Interrogatories to the extent that they seek information
16 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
17 such downstream data, because such information is not relevant to the claim or defense of any
18 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
19 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
20 information other than that related to direct purchases of CRT Products from the named
21 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
22 *Illinois*, 431 U.S. 720 (1977).

23 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
24 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
25 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
26 response should be construed to foreclose any such disclosure.

27 14. Plaintiff reserves the right to modify their allegations based on additional
28 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert

1 discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light
2 of further evidence and further analysis of present and subsequently acquired evidence.

3 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff
4 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,
5 including evidence that Plaintiff expects to further develop through the course of discovery and
6 expert analysis.

7 16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to
8 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
9 proceeding in, or trial of, this or any other action for any purpose whatsoever.

10 17. No incidental or implied admissions are intended in these responses. Plaintiff's
11 response to all or any part of any Interrogatory should not be taken as an admission that: (a)
12 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or
13 (b) Plaintiff has in its possession, custody or control documents or information responsive to that
14 interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's
15 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver
16 by Plaintiff of all or any part of its objection(s) to that interrogatory.

17 18. Plaintiff objects to the interrogatories to the extent they are duplicative of
18 interrogatories served by other defendants in this litigation. To the extent these interrogatories
19 seek answers that are duplicative to those requested by other interrogatories that have already been
20 propounded on the direct purchaser class, or served at the same time as these interrogatories, the
21 direct purchaser plaintiffs will only answer them once.

22 19. Plaintiff objects to these interrogatories to the extent that the cumulative requests
23 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

24 **RESPONSES**

25 **INTERROGATORY NO. I:**

26 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR
27 responses to these interrogatories.

1 **RESPONSE TO INTERROGATORY NO. 1:**

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
 3 and without waiving, the foregoing objections, Plaintiff responds as follows: Phillip Lau
 4 participated and assisted in the preparation of Royal Data Services, Inc.'s responses to these
 5 interrogatories.

6 **INTERROGATORY NO. 2:**

7 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
 8 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
 9 IDENTITY of each PERSON involved in the sale and the time period and nature of each
 10 PERSON's involvement.

11 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 12 YOUR response.

13 **RESPONSE TO INTERROGATORY NO. 2:**

14 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 15 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 16 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 17 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 18 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 19 respond to this interrogatory because it impermissibly calls for downstream information
 20 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
 21 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 22 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 23 2005).

24 **INTERROGATORY NO. 3:**

25 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
 26 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
 27 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
 28 time period and nature of each PERSON's involvement.

1 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
2 YOUR response.

3 **RESPONSE TO INTERROGATORY NO. 3:**

4 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
5 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
6 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
7 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
8 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
9 respond to this interrogatory because it impermissibly calls for downstream information
10 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
11 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
12 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
13 2005).

14 **INTERROGATORY NO. 4:**

15 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
16 were a part of the sale, including without limitation all terms and conditions RELATING TO
17 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
18 with the sale.

19 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
20 YOUR response.

21 **RESPONSE TO INTERROGATORY NO. 4:**

22 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
23 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
24 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
25 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
26 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
27 respond to this interrogatory because it impermissibly calls for downstream information
28 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or

1 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
2 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
3 2005).

4 **INTERROGATORY NO. 5:**

5 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
6 conditions that were a part of the sale, including without limitation all terms and conditions
7 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
8 PERSON in connection with the sale.

9 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
10 YOUR response.

11 **RESPONSE TO INTERROGATORY NO. 5:**

12 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
13 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
14 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
15 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
16 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
17 respond to this interrogatory because it impermissibly calls for downstream information
18 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
19 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
20 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
21 2005).

22 **INTERROGATORY NO. 6:**

23 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
24 including without limitation their subsidiaries and affiliates, state for each calendar year of the
25 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
26 or sold.

27 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
28 YOUR response.

1 RESPONSE TO INTERROGATORY NO. 6:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
 9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
 11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
 12 this interrogatory to the extent it calls for disclosure of information that is protected by the
 13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
 15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
 16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
 17 34 and the applicable Local Rules of the United States District Court for the Northern District of
 18 California. Subject to, and without waiving, the foregoing objections, Plaintiff responds that it did
 19 not purchase CRTs (as opposed to CRT Products) during the Relevant Period.

20 INTERROGATORY NO. 7:

21 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 22 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 23 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
 24 YOU acquired or sold.

25 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 26 YOUR response.

27 RESPONSE TO INTERROGATORY NO. 7:

28 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff

1 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 2 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 3 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 4 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 5 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 6 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
 7 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 8 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
 9 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
 10 this interrogatory to the extent it calls for disclosure of information that is protected by the
 11 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 12 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
 13 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
 14 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
 15 34 and the applicable Local Rules of the United States District Court for the Northern District of
 16 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT
 17 Products from the defendants may be derived from their production of documents.

18 **INTERROGATORY NO. 8:**

19 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 20 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT
 21 PERIOD.

22 **RESPONSE TO INTERROGATORY NO. 8:**

23 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 24 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 25 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 26 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 27 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 28 because it calls for downstream information concerning sales of CRTs by Plaintiff and such

1 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 2 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 3 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 4 the ground that it is duplicative of other interrogatories served in this action.

5 Subject to, and without waiving, the foregoing objections, Plaintiff responds that it did not
 6 purchase CRTs (as opposed to CRT Products) during the Relevant Period.

7 **INTERROGATORY NO. 9:**

8 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 9 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the
 10 RELEVANT PERIOD.

11 **RESPONSE TO INTERROGATORY NO. 9:**

12 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 13 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 14 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 15 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 16 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 17 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 18 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 19 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 20 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 21 the ground that it is duplicative of other interrogatories served in this action.

22 Subject to, and without waiving, the foregoing objections, Plaintiff responds that Phillip
 23 Lau has knowledge of the terms and conditions for Royal Data Services, Inc.'s acquisitions of
 24 CRT Products.

25 During the Class Period, Royal Data Services, Inc. employed Eva Mayeshairo and Mike
 26 Yokoyama who would have knowledge of Royal Data Services, Inc.'s CRT Product purchases,
 27 but Royal Data Services, Inc. does not currently know their whereabouts.

1 **INTERROGATORY NO. 10:**

2 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
3 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
4 knowledge of those specifications.

5 **RESPONSE TO INTERROGATORY NO. 10:**

6 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
7 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
8 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
9 information entirely irrelevant to the issues raised and damages claimed in this case and is not
10 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
11 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
12 without waiving, the foregoing objections, Plaintiff responds that it did not purchase CRTs (as
13 opposed to CRT Products) during the Relevant Period.

14 **INTERROGATORY NO. 11:**

15 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
16 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
17 with knowledge of those specifications.

18 **RESPONSE TO INTERROGATORY NO. 11:**

19 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
20 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
21 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
22 information entirely irrelevant to the issues raised and damages claimed in this case and is not
23 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
24 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
25 without waiving, the foregoing objections, Plaintiff responds that Phillip Lau has knowledge of
26 Royal Data Services, Inc.'s product specifications for Royal Data Services, Inc.'s acquisitions of
27

1 CRT Products. In addition, Plaintiff's product specifications may be derived from its production
 2 of documents.

3 **INTERROGATORY NO. 12:**

4 Separately, with respect to each CRT that YOU acquired during the RELEVANT
 5 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
 6 the allegations in the Complaint.

7 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 8 YOUR response.

9 **RESPONSE TO INTERROGATORY NO. 12:**

10 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 11 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 12 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) ("[t]here is considerable recent
 13 authority for the view that the wisest general policy is to defer propounding and answering
 14 contention interrogatories until near the end of the discovery period."); *In re Ebay Seller Antitrust*
 15 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) ("Courts using their
 16 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 17 undertaken."). Discovery has just started, Defendants have not meaningfully responded to
 18 Plaintiffs' discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 19 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 20 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 21 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 22 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 23 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 24 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 25 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 26 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 27 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 28

1 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 2 Rules of the United States District Court for the Northern District of California.

3 **INTERROGATORY NO. 13:**

4 Separately, with respect to each CRT PRODUCT that YOU acquired during the
 5 RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were
 6 overcharged as a result of the allegations in the Complaint.

7 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 8 YOUR response.

9 **RESPONSE TO INTERROGATORY NO. 13:**

10 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 11 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 12 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 13 authority for the view that the wisest general policy is to defer propounding and answering
 14 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
 15 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 16 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 17 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
 18 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 19 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 20 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 21 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 22 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 23 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 24 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 25 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 26 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 27 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 28 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local

1 Rules of the United States District Court for the Northern District of California.

2

3 DATED: July 7, 2010

By: /s/ Guido Saveri
SAVERI & SAVERI, INC.
706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

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*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

VERIFICATION

I, Phillip Lau, am President of Royal Data Services, Inc. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Royal Data Services Inc.'s Responses and Objections to Defendant Hitachi America, Ltd.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 8, 2010.



Phillip Lau

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7 San Francisco, CA 94111
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10 *Interim Lead Counsel for the Direct Purchaser
11 Plaintiffs*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

14 IN RE: CATHODE RAY TUBE (CRT)
15 ANTITRUST LITIGATION

16 This Document Relates to:
17 STUDIO SPECTRUM, INC.

18 MASTER FILE NO. 07-cv-5944 SC
19 MDL NO. 1917

20 **STUDIO SPECTRUM INC.'S
21 RESPONSES AND OBJECTIONS TO
22 DEFENDANT HITACHI AMERICA,
23 LTD.'S FIRST SET OF
24 INTERROGATORIES**

25 PROPOUNDING PARTY: HITACHI AMERICA, LTD.
26 RESPONDING PARTY: STUDIO SPECTRUM, INC.
27 SET NO.: ONE

28 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Studio Spectrum, Inc. ("Plaintiff"), by its attorneys, objects and responds to Defendant Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the "Interrogatories") as follows:

29 **GENERAL OBJECTIONS**

30 Each of the following objections is incorporated by reference into each of the responses
31 herein:

32 1. Plaintiff and its counsel have not completed their (1) investigation of the facts
33 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following

1 responses are therefore based upon information known at this time and are provided without
 2 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
 3 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
 4 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
 5 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
 6 inadvertent errors or omissions have been made.

7 2. Plaintiff generally objects to these Interrogatories, including the Instructions and
 8 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
 9 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
 10 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
 11 accordance with their understanding of the obligations imposed by the Federal Rules of Civil
 12 Procedure.

13 3. Plaintiff objects to these Interrogatories, including the Instructions and Definitions,
 14 to the extent the information sought is protected by the attorney-client privilege, the attorney work
 15 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
 16 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
 17 privilege, attorney work-product or any other privilege, immunity or other protection that may be
 18 asserted to protect any information from disclosure. Accordingly, any response or production of
 19 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
 20 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

21 4. Plaintiff objects to these Interrogatories to the extent they fail to state with
 22 sufficient particularity the information and categories of information to be provided.

23 5. Plaintiff objects to these Interrogatories to the extent they request Plaintiff to
 24 produce documents outside their possession, custody, or control.

25 6. Plaintiff objects to these Interrogatories to the extent they are overly broad and
 26 unduly burdensome.

27 7. Plaintiff objects to these Interrogatories to the extent they are vague, ambiguous,
 28 redundant, harassing or oppressive.

1 8. Plaintiff objects to these Interrogatories to the extent they require Plaintiff to draw
 2 legal conclusions.

3 9. Plaintiff objects to these Interrogatories to the extent the information requested is
 4 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

5 10. Plaintiff objects to these Interrogatories to the extent that they, or any portion of
 6 them, seek production of any information within the possession, custody, or control of any
 7 Defendant, or of publicly available information such that the information is obtainable from some
 8 other source that is more convenient, less burdensome or less expensive, or the production of the
 9 information will impose undue burden, inconvenience, or expense upon Plaintiff.

10 11. Plaintiff objects to each and every interrogatory and also to the instructions
 11 accompanying them, to the extent they seek to require Plaintiff to produce all information that
 12 supports or otherwise relates to specific contentions in this litigation, on the ground that such
 13 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

14 12. Plaintiff objects to these Interrogatories to the extent that they seek information
 15 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
 16 such downstream data, because such information is not relevant to the claim or defense of any
 17 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
 18 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
 19 information other than that related to direct purchases of CRT Products from the named
 20 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
 21 *Illinois*, 431 U.S. 720 (1977).

22 13. Plaintiff objects to these Interrogatories to the extent that they seek information that
 23 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
 24 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
 25 response should be construed to foreclose any such disclosure.

26 14. Plaintiff reserves the right to modify its allegations based on additional discovery,
 27 additional analysis of existing discovery, discovery not yet completed and/or expert discovery, and
 28 Plaintiff reserves the right to supplement and/or delete the responses given in light of further

1 evidence and further analysis of present and subsequently acquired evidence.

2 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff
 3 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,
 4 including evidence that Plaintiff expects to further develop through the course of discovery and
 5 expert analysis.

6 16. In providing responses to these Interrogatories, Plaintiff reserves all objections as
 7 to competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
 8 proceeding in, or trial of, this or any other action for any purpose whatsoever.

9 17. No incidental or implied admissions are intended in these responses. Plaintiff's
 10 response to all or any part of any Interrogatory should not be taken as an admission that: (a)
 11 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by an Interrogatory; or
 12 (b) Plaintiff has in its possession, custody or control documents or information responsive to that
 13 Interrogatory; or (c) documents or information responsive to that Interrogatory exist. Plaintiff's
 14 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver
 15 by Plaintiff of all or any part of their objection(s) to that Interrogatory.

16 18. Plaintiff objects to these Interrogatories to the extent they are duplicative of
 17 interrogatories served by other defendants in this litigation. To the extent these Interrogatories
 18 seek answers that are duplicative to those requested by other interrogatories that have already been
 19 propounded on the direct purchaser class, or served at the same time as these Interrogatories, the
 20 direct purchaser plaintiffs will only answer them once.

21 19. Plaintiff objects to these Interrogatories to the extent that the cumulative requests
 22 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

23 RESPONSES

24 INTERROGATORY NO. 1:

25 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR
 26 responses to these interrogatories.

27 RESPONSE TO INTERROGATORY NO. 1:

28 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,

1 and without waiving, the foregoing objections, Plaintiff responds as follows:

2 Ken Buckowski, President of Studio Spectrum, Inc.

3 Kathy King, Operations Manager and Purchasing Agent

4 Legal Counsel

5 **INTERROGATORY NO. 2:**

6 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
7 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
8 IDENTITY of each PERSON involved in the sale and the time period and nature of each
9 PERSON's involvement.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
11 YOUR response.

12 **RESPONSE TO INTERROGATORY NO. 2:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
14 objects to this Interrogatory to the extent it requests information other than that related to direct
15 purchases of CRT Products from the named defendants in this action on the grounds that it is
16 compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff further objects
17 to this Interrogatory to the extent that it seeks information entirely irrelevant to the issues raised
18 and damages claimed in this case and is not likely to lead to the discovery of admissible evidence.
19 Plaintiff further objects and will not respond to this Interrogatory because it impermissibly calls
20 for downstream information concerning sales of CRTs by Plaintiff and such information is not
21 relevant to the claims or defenses of any party. Plaintiff purchased only CRT Products.

22 **INTERROGATORY NO. 3:**

23 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
24 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
25 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
26 time period and nature of each PERSON's involvement.

27 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
28 YOUR response.

1 **RESPONSE TO INTERROGATORY NO. 3:**

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 3 objects to this Interrogatory to the extent it requests information other than that related to direct
 4 purchases of CRT Products from the named defendants in this action on the grounds that it is
 5 compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff further objects
 6 to this Interrogatory to the extent that it seeks information entirely irrelevant to the issues raised
 7 and damages claimed in this case and is not likely to lead to the discovery of admissible evidence.
 8 Plaintiff further objects and will not respond to this Interrogatory because it impermissibly calls
 9 for downstream information concerning sales of CRTs by Plaintiff and such information is not
 10 relevant to the claims or defenses of any party.

11 **INTERROGATORY NO. 4:**

12 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
 13 were a part of the sale, including without limitation all terms and conditions RELATING TO
 14 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
 15 with the sale.

16 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 17 YOUR response.

18 **RESPONSE TO INTERROGATORY NO. 4:**

19 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 20 objects to this Interrogatory to the extent it requests information other than that related to direct
 21 purchases of CRT Products from the named defendants in this action on the grounds that it is
 22 compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff further objects
 23 to this Interrogatory to the extent that it seeks information entirely irrelevant to the issues raised
 24 and damages claimed in this case and is not likely to lead to the discovery of admissible evidence.
 25 Plaintiff further objects and will not respond to this Interrogatory because it impermissibly calls
 26 for downstream information concerning sales of CRTs by Plaintiff and such information is not
 27 relevant to the claims or defenses of any party. Plaintiff purchased only CRT Products.

28

1 **INTERROGATORY NO. 5:**

2 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
3 conditions that were a part of the sale, including without limitation all terms and conditions
4 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
5 PERSON in connection with the sale.

6 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
7 YOUR response.

8 **RESPONSE TO INTERROGATORY NO. 5:**

9 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
10 objects to this Interrogatory to the extent it requests information other than that related to direct
11 purchases of CRT Products from the named defendants in this action on the grounds that it is
12 compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff further objects
13 to this Interrogatory to the extent that it seeks information entirely irrelevant to the issues raised
14 and damages claimed in this case and is not likely to lead to the discovery of admissible evidence.
15 Plaintiff further objects and will not respond to this Interrogatory because it impermissibly calls
16 for downstream information concerning sales of CRTs by Plaintiff and such information is not
17 relevant to the claims or defenses of any party.

18 **INTERROGATORY NO. 6:**

19 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
20 including without limitation their subsidiaries and affiliates, state for each calendar year of the
21 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
22 or sold.

23 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
24 YOUR response.

25 **RESPONSE TO INTERROGATORY NO. 6:**

26 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
27 objects to this Interrogatory to the extent it requests information other than that related to direct
28 purchases of CRT Products from the named defendants in this action on the grounds that it is

1 compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this
 2 Interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and
 3 damages claimed in this case and is not likely to lead to the discovery of admissible evidence.
 4 Plaintiff further objects and will not respond to this Interrogatory because it calls for downstream
 5 information concerning sales of CRT Products by Plaintiff and such information is not relevant to
 6 the claims or defenses of any party. Plaintiff further objects to this Interrogatory to the extent that
 7 it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 8 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 9 theories that may be the subject of expert testimony. Plaintiff also objects to this Interrogatory to
 10 the extent it calls for disclosure of information that is protected by the attorney-client privilege, the
 11 work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff
 12 objects to this Interrogatory to the extent it imposes obligations on Plaintiff beyond the scope of
 13 the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States
 14 District Court for the Northern District of California. Subject to, and without waiving these
 15 objections, Plaintiff's purchases of CRT Products from the defendants may be derived from their
 16 production of documents. Plaintiff purchased only CRT Products.

17 **INTERROGATORY NO. 7:**

18 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 19 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 20 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
 21 YOU acquired or sold.

22 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 23 YOUR response.

24 **RESPONSE TO INTERROGATORY NO. 7:**

25 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 26 objects to this Interrogatory to the extent it requests information other than that related to direct
 27 purchases of CRT Products from the named defendants in this action on the grounds that it is
 28 compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this

1 Interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and
 2 damages claimed in this case and is not likely to lead to the discovery of admissible evidence.
 3 Plaintiff further objects and will not respond to this Interrogatory because it calls for downstream
 4 information concerning sales of CRT Products by Plaintiff and such information is not relevant to
 5 the claims or defenses of any party. Plaintiff further objects to this Interrogatory to the extent that
 6 it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 7 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 8 theories that may be the subject of expert testimony. Plaintiff also objects to this Interrogatory to
 9 the extent it calls for disclosure of information that is protected by the attorney-client privilege, the
 10 work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff
 11 objects to this Interrogatory to the extent it imposes obligations on Plaintiff beyond the scope of
 12 the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States
 13 District Court for the Northern District of California. Subject to, and without waiving these
 14 objections, Plaintiff's purchases of CRT Products from the defendants may be derived from their
 15 production of documents. *See* Bates Range SS0000001-SS0000013.

16 **INTERROGATORY NO. 8:**

17 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 18 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT
 19 PERIOD.

20 **RESPONSE TO INTERROGATORY NO. 8:**

21 Plaintiff purchased only CRT Products. Plaintiff incorporates the General Objections as
 22 though fully set forth herein. Plaintiff objects to this Interrogatory on the grounds that it requests
 23 information other than that related to direct purchases of CRT Products from the named
 24 defendants in this action on the grounds that it is compound, vague and ambiguous, overly broad
 25 and unduly burdensome. Plaintiff objects to this Interrogatory on the grounds that it seeks
 26 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 27 likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 28 respond to this Interrogatory because it calls for downstream information concerning sales of CRT

1 Products by Plaintiff and such information is not relevant to the claims or defenses of any party.

2 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
3 to its acquisition of CRT Products as follows:

4 Ken Buckowski, President of Studio Spectrum, Inc.

5 Kathy King, Operations Manager and Purchasing Agent

6 **INTERROGATORY NO. 9:**

7 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
8 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the
9 RELEVANT PERIOD.

10 **RESPONSE TO INTERROGATORY NO. 9:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
12 objects to this Interrogatory on the ground that it requests information other than that related to
13 direct purchases of CRT Products from the named defendants in this action on the grounds that it
14 is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to
15 this Interrogatory on the ground that it seeks information entirely irrelevant to the issues raised and
16 damages claimed in this case and is not likely to lead to the discovery of admissible evidence.
17 Plaintiff further objects and will not respond to this Interrogatory because it calls for downstream
18 information concerning sales of CRT Products by Plaintiff and such information is not relevant to
19 the claims or defenses of any party.

20 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
21 to its acquisition of CRT Products as follows:

22 Ken Buckowski, President of Studio Spectrum, Inc.

23 Kathy King, Operations Manager and Purchasing Agent

24 **INTERROGATORY NO. 10:**

25 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
26 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
27 knowledge of those specifications.

28

1 RESPONSE TO INTERROGATORY NO. 10:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 3 objects to this Interrogatory on the grounds that it is compound, vague and ambiguous, overly
 4 broad and unduly burdensome. Subject to, and without waiving, the foregoing objections,
 5 Plaintiff responds as follows:

6 Plaintiff purchased only CRT Products. Plaintiff did not develop product specifications for
 7 cathode ray tubes, because it did not purchase cathode ray tubes as individual components.
 8 Instead, Plaintiff purchased manufactured monitors which incorporated cathode ray tubes.
 9 Plaintiff integrated these monitors into entire systems built to meet the requirements of Plaintiff's
 10 customers. The specifications of these monitors were based on the design of the cases, chassis,
 11 power supply, and driving amplifiers, as well as the type of signal required. In addition, Plaintiff's
 12 product specifications of these monitors may be derived from its production of documents. *See*
 13 Bates Range SS0000001-SS0000013.

14 INTERROGATORY NO. 11:

15 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
 16 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
 17 with knowledge of those specifications.

18 RESPONSE TO INTERROGATORY NO. 11:

19 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 20 objects to this Interrogatory on the grounds that it is compound, vague and ambiguous, overly
 21 broad and unduly burdensome. Subject to, and without waiving, the foregoing objections,
 22 Plaintiff respond as follows:

23 Plaintiff did not develop product specifications for cathode ray tubes, because it did not
 24 purchase cathode ray tubes as individual components. Instead, Plaintiff purchased manufactured
 25 monitors which incorporated cathode ray tubes. Plaintiff integrated these monitors into entire
 26 systems built to meet the requirements of Plaintiff's customers. The specifications of these
 27 monitors were based on the design of the cases, chassis, power supply, and driving amplifiers, as
 28 well as the type of signal required. In addition, Plaintiff's product specifications of these monitors

1 may be derived from its production of documents. *See* Bates Range SS0000001-SS0000013.

2 **INTERROGATORY NO. 12:**

3 Separately, with respect to each CRT that YOU acquired during the RELEVANT
 4 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
 5 the allegations in the Complaint.

6 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 7 YOUR response.

8 **RESPONSE TO INTERROGATORY NO. 12:**

9 Plaintiff purchased only CRT Products. Plaintiff incorporates the General Objections as
 10 though fully set forth herein. Plaintiff objects to this Interrogatory as a premature contention
 11 interrogatory. *See In re Convergent Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal.
 12 1985) (“[t]here is considerable recent authority for the view that the wisest general policy is to
 13 defer propounding and answering contention interrogatories until near the end of the discovery
 14 period.”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal.
 15 Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention
 16 interrogatories asked before discovery is undertaken.”). Discovery has just started. Defendants
 17 have not responded to Plaintiff’s interrogatories, and Plaintiff has not taken any depositions (and is
 18 not permitted to take depositions until November 1, 2010). Moreover, on March 8, 2010, certain
 19 Defendants produced to all parties in this litigation, documents that had previously been produced
 20 to the Department of Justice in response to a grand jury subpoena. That production contains some
 21 of the facts responsive to this Interrogatory. Plaintiff further objects to this Interrogatory to the
 22 extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and
 23 expert information, or requires Plaintiff to set forth factual analyses, comparative analyses,
 24 opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to this
 25 Interrogatory to the extent it calls for disclosure of information that is protected by the attorney-
 26 client privilege, the work product doctrine, or is otherwise privileged or immune from discovery.
 27 Finally, Plaintiff objects to this Interrogatory to the extent it imposes obligations on Plaintiff
 28 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local

1 Rules of the United States District Court for the Northern District of California.

2 **INTERROGATORY NO. 13:**

3 Separately, with respect to each CRT PRODUCT that YOU acquired during the
 4 RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were
 5 overcharged as a result of the allegations in the Complaint.

6 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 7 YOUR response.

8 **RESPONSE TO INTERROGATORY NO. 13:**

9 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 10 objects to this Interrogatory as a premature contention interrogatory. *See In re Convergent*
 11 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 12 authority for the view that the wisest general policy is to defer propounding and answering
 13 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
 14 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 15 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 16 undertaken.”). Discovery has just started. Defendants have not responded to Plaintiff’s
 17 interrogatories, and Plaintiff has not taken any depositions (and is not permitted to take
 18 depositions until November 1, 2010). Moreover, on March 8, 2010, certain Defendants produced
 19 to all parties in this litigation, documents that had previously been produced to the Department of
 20 Justice in response to a grand jury subpoena. That production contains some of the facts
 21 responsive to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it
 22 impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 23 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 24 theories that may be the subject of expert testimony. Plaintiff also objects to this Interrogatory to
 25 the extent it calls for disclosure of information that is protected by the attorney-client privilege, the
 26 work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff
 27 objects to this Interrogatory to the extent it imposes obligations on Plaintiffs beyond the scope of
 28 the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States

1 District Court for the Northern District of California.

2 DATED: July 7, 2010

3 By: /s/ Guido Saveri
4 SAVERI & SAVERI, INC.
5 706 Sansome Street
6 San Francisco, CA 94111
7 Telephone: (415) 217-6810
8 Facsimile: (415) 217-6813

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Interim Lead Counsel for the Direct
Purchaser Plaintiffs

1
2 **VERIFICATION**
3

4 I, Ken Buckowski, am President of Studio Spectrum, Inc. I do hereby state,
5 under penalty of perjury under the laws of the United States, that the responses
6 contained in Plaintiff Studio Spectrum, Inc.'s Responses and Objections to
7 Defendant Hitachi America Ltd.'s First Set of Interrogatories are true and correct to
8 the best of my knowledge.

9 Executed on July 7, 2010.
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12 Ken Buckowski
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